

be able to take a make-up examination as he is fit and ready for the duties of the position.

CONCLUSION

N.J.A.C. 4A:4-2.9(a) states that make-up examinations for open competitive and general promotional testing, except for professional level engineering promotional examinations and public safety promotional examinations, may be authorized for the following reasons:

1. Error by the Civil Service Commission or Appointing Authority
2. Serious illness or disability of the candidate on the test date, provided the candidate submits a doctor's certificate specifying that the candidate was not able to take the test on that day for medical reasons;
3. Documented serious illness or death in the candidate's immediate family;
4. Natural disaster;
5. Prior vacation or travel plans outside of New Jersey or any contiguous state, which cannot be reasonably changed, as evidenced by a sworn statement and relevant documentation;
6. When required for certain persons returning from military service;
7. Other valid reasons.

N.J.A.C. 4A:4-2.9(e) states, in pertinent part, that a candidate must request, in writing, a make-up examination, within five days after the examination date due to one of the valid reasons set forth in (a).

In the instant matter, agency records confirm that an email was sent on July 8, 2019 to the email address provided by the appellant on his application, and the appellant clearly received this email. According to the New Jersey Fire Fighter Examination (NJFFE) Post-Written Test Timeline and Candidate Responsibilities document that was given to all candidates, "If you fail the PPT, do not show up for your scheduled PPT date and time, or do not provide a properly completed and signed medical clearance form, you will be removed from ALL firefighter lists." See *N.J.A.C.* 4A:4-2.15(b)2. This form is also posted on the Commission's website. Page 4 of the Fire Fighter Examination Administration Guide, which is available on the Commission's website, provides the make-up criteria and indicates that make-up requests, with supporting documentation, must be submitted in writing within five days of receipt of the test notification. See *N.J.A.C.* 4A:4-2.9(e). In this case, the test notification was July 8, 2019. The appellant contacted the Division of Administrative Services for a second make-up examination by email on July 30, 2019, seven days after the test administration, and filed an appeal postmarked August 5, 2019. As such, this appeal is untimely. Nevertheless, it was each

candidate's responsibility to appear for the examination on their scheduled date, and misremembering the date is not a valid reason for a makeup. The appellant has not satisfied his burden of proof in this matter and sufficient cause exists to remove his name from all of the Fire Fighter lists on which his name appears.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 10th DAY OF SEPTEMBER, 2019



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

c: Oliver Hernandez
Kelly Glenn